

The Litter Control and Recycling Fund Advisory Board's
Special Projects Fund

1. Introduction

The 2006 General Assembly changed the distribution formula and grant purposes supported by Virginia's litter taxes, and sections 10.1-1422.01 and 1422.05 of the Code of Virginia were amended. (See Attachment A)

Effective July 1, 2006, eligible local governments will receive 90% of the funds collected annually (up from 75% previously). Also, 5% of the funds collected annually will now be apportioned to a new grant category (Special Projects). Lastly, the Department of Environmental Quality (DEQ) will continue to receive up to 5% of the funds collected annually to support these grant activities and the administrative costs of the Litter Control and Recycling Fund Advisory Board (Board).

The former statewide and regional litter prevention and recycling education program grants, which received 20% of the funding in past years, has been eliminated.

2. Purpose

The purpose of the new grant category is to provide funding to eligible non-profit organizations and local governments "for the public purpose of developing and implementing local, regional and statewide litter control and recycling programs for which the grants provided in §10.1-1422.04 (the annual grants to localities) are found by the (DEQ) Director to be inadequate."

3. Eligibility

These newly designated grant funds are available to local governments (meeting §10.1-1422.04 requirements) and any non-profit entity composed of representatives of localities that meet the same criteria of §10.1-1422.04. (See Attachment A)

4. Fund Board and DEQ Procedures

During the Fiscal Year Grant cycle (July 1- June 30), the Board shall recommend the use of these funds to the DEQ Director by:

- developing projects and soliciting eligible recipients to implement such project;
- soliciting projects for funding (Request for Projects) from the eligible recipients; or,
- reviewing other requests for funding which may be presented to Board or DEQ.

Thus, the recommendations on the use of these funds are at the discretion of the Board. At its first meeting of each Fiscal Year, the Board shall determine the procedures to be used during that Fiscal Year. In doing so, it shall advise DEQ of the process to be used in soliciting/ developing projects for that Fiscal Year

The Board shall then recommend funding of such projects, using the Special Projects Grant Form. (See Attachment B) The Board shall vote on each such project and send its recommendations to DEQ for consideration.

Upon the Director's concurrence, the DEQ staff will develop a Grant Contract to transfer the funds to the selected recipients in accordance with Commonwealth of Virginia Procurement Procedures.

Should the Director not concur with any of the Board's recommended projects, he shall return the Special Projects Grant Form to the Board, stating the reasons of non-concurrence and requesting the Board's reconsideration

5. Ineligible Project and Activities

Grant funds shall not be used for the following:

- a) Meals associated with award events.
- b) Purchase of mass media time or space.
- c) For any project or item not directly related to litter prevention or recycling, including (but not limited to):
 - 1) beautification projects, landscaping, purchase of trees or shrubs, or lawn services.
 - 2) Purchase of equipment for lawn maintenance or for collection, transportation, and/or disposal of solid waste.

6. Grant and Funding Terms to Recipients

- a) A lump sum payment of 30% of the grant amount will be made to the recipient upon execution of a Grant Contract with DEQ and the receipt by DEQ of an invoice by the recipient.
- b) A lump sum payment of 50% of the grant amount will be made upon achieving one-half of the Special Project's Scope of Work. The Mid-Term Accountability Report and Invoice shall be submitted and approved by DEQ in order for the payment to be processed.
- c) A final lump sum payment of 20% of the grant amount will be made upon the completion of the Scope of Work. The Final Accountability Report and Invoice shall be submitted and approved by DEQ in order for the payment to be processed. .

- OR -

- d) An alternative payment term may be approved by the Director, after receiving a recommendation to do so by the Board or DEQ staff based upon the project work schedule.

ATTACHMENT A

CODE OF VIRGINIA

§ 10.1-1422.01. Litter Control and Recycling Fund established; use of moneys; purpose of Fund.

A. All moneys collected from the taxes imposed under §§ [58.1-1700](#) through [58.1-1710](#) and by the taxes increased by Chapter 616 of the 1977 Acts of Assembly, shall be paid into the treasury and credited to a special nonreverting fund known as the Litter Control and Recycling Fund, which is hereby established. The Fund shall be established on the books of the Comptroller. Any moneys remaining in the Fund shall not revert to the general fund but shall remain in the Fund. Interest earned on such moneys shall remain in the Fund and be credited to it. The Director is authorized to release money from the Fund on warrants issued by the Comptroller after receiving and considering the recommendations of the Advisory Board for the purposes enumerated in subsection B of this section.

B. Moneys from the Fund shall be expended, according to the allocation formula established in subsection C of this section, for the following purposes:

1. Local litter prevention and recycling grants to localities that meet the criteria established in § [10.1-1422.04](#);

2. Litter prevention and recycling grants to localities and nonprofit entities meeting the criteria established in § [10.1-1422.05](#); and

3. Payment to (i) the Department to process the grants authorized by this article and (ii) the actual administrative costs of the Advisory Board. The Director shall assign one person in the Department to serve as a contact for persons interested in the Fund.

C. All moneys deposited into the Fund shall be expended pursuant to the following allocation formula:

1. Ninety percent for grants made to localities pursuant to subdivision B 1 of this section;

2. Five percent for litter prevention and recycling grants made pursuant to subdivision B 2 of this section; and

3. Up to a maximum of 5% for the actual administrative expenditures authorized pursuant to subdivision B 3 of this section.

(1995, c. 417; 2006, c. 6.)

§ 10.1-1422.04. Local litter prevention and recycling grants; eligibility and funding process.

The Director shall award local litter prevention and recycling grants to localities that apply for such grants and meet the eligibility requirements established in the Department's Guidelines for Litter Prevention and Recycling Grants (DEQ-LPR-2) which were in effect on January 1, 1995,

and as may be amended by the Advisory Board after notice and opportunity to be heard by persons interested in grants awarded pursuant to this section. Grants awarded by the Director shall total the amount of Litter Control and Recycling Funds available annually as provided in subdivision B 1 of § [10.1-1422.01](#).

§ 10.1-1422.05. Litter control and recycling grants.

The Director, after receiving the recommendations of the Advisory Board, shall award litter prevention and recycling grants to localities that meet the requirements established in § [10.1-1422.04](#), and to any nonprofit entity composed of representatives of localities who meet the criteria established in § [10.1-1422.04](#). These grants shall be awarded for the public purpose of developing and implementing local, regional, and statewide litter control and recycling programs for which the grants provided for in § [10.1-1422.04](#) are found by the Director to be inadequate. Grants awarded by the Director pursuant to this section shall total the amount of litter control and recycling funds available annually as provided in subdivision B 2 of § [10.1-1422.01](#).

(1995, c. 417; 2006, c. 6.)